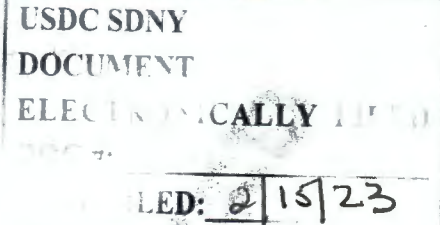


ORIGINAL



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *ex rel.* WEST
MIDWAY, LLC,

Plaintiffs,

-against-

PARADIGM CAPITAL MANAGEMENT,
INC., C.L. KING & ASSOCIATES, INC.,
CANDACE KING WEIR, AMELIA
FARLEY WEIR, and ROBERT A.
BENTON,

Defendants.

Case No. 1:22-cv-9243 (LLS)

Removed from:

Supreme Court of the State of New York,
County of New York

Index No. 652608/2012

PROPOSED ORDER GRANTING APPLICATION FOR WRIT OF CERTIORARI

TO: HON. MILTON TINGLING, COUNTY CLERK, New York County;
HON. JAMES E. D'AUGUSTE, J.S.C. (I.A.S. Part 55)

This matter has been removed to this Court by Defendants upon the filing of a Notice of Removal on October 27, 2022 in accordance with 28 U.S.C. § 1441, removing the case of *State of New York, ex rel. West Midway, LLC v. Paradigm Capital Management, Inc., et al.*, Index No. 652608/2012 in the Supreme Court of the State of New York, County of New York (the "Action"). Prior to removal, on June 14, 2022, the Hon. James E. D'Auguste, J.S.C. (I.A.S. Part 55) signed an Order (SDNY Dkt. 1-5) unsealing certain enumerated documents in the Action, maintaining the seal on "[a]ll other papers previously filed in this matter, whether filed with the County Clerk or held in chambers" and directing that such Order be served "on the General Clerk's Office, the Clerk of the Trial Court Support Office and the County Clerk." As a result of such Order, Defendants attached the unsealed case file papers to their Notice of Removal, but

were unable to attach the remainder of the papers filed or submitted in the Action before the Supreme Court, New York County.

ACCORDINGLY, inasmuch as the Action is now proceeding in this Court, for good cause shown, the joint application of Plaintiffs and Defendants for issuance of a writ of certiorari to obtain a copy for this Court's file of all papers filed or submitted to the Supreme Court or submitted and held in chambers in this Action (collectively, the "CASE PAPERS") pursuant to the provisions of 28 U.S.C. § 1447(b), is GRANTED.

IT IS HEREBY ORDERED:

This ORDER shall constitute a WRIT OF CERTIORARI authorized by 28 U.S.C. § 1447(b), directing the New York County Clerk to deliver forthwith to the Clerk of the United States District Court for the Southern District of New York, Attn: Records Management Unit, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, Room 370, New York, NY 10007, one (1) complete certified copy of the CASE PAPERS in the above-referenced case. The New York County Clerk should enclose a copy this ORDER with the certified copy of the CASE PAPERS.

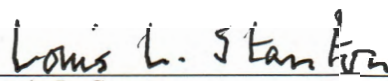
Should the New York County Clerk seek reimbursement for the charges for copying the CASE PAPERS after their delivery to this Court, they are at liberty to notify and issue an invoice to Defendants' counsel identified below who have agreed to pay the per-page costs customarily charged by the New York County Clerk for the copying of court documents.

Upon receipt of the CASE PAPERS from the New York County Clerk, the Clerk of this Court is hereby ORDERED to note the delivery of the certified copies of the CASE PAPERS on the docket of Civil Action No. 1:22-cv-9243 (LLS), and maintain the certified copies of the CASE PAPERS in the record of this Action under seal pending further order of this Court.

Nothing in this Order shall be construed to require the sealing or removal from the docket of documents that were unsealed by Justice D'Auguste's June 14, 2022 Order and previously filed publicly on the docket in this Action in Civil Action No. 1:22-cv-9243 (LLS).

Dated: February ^{15th}, 2023
New York, New York

SO ORDERED:



Hon. Louis L. Stanton
Senior United States District Judge

Counsel:

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